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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/967,283

09/28/2001

James Morrow

83336.0521

6806

66880 7590 10/15/2007

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EXAMINER

PANDYA, SUNIT

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

10/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/967,283

Applicant(s)

MORROW ET AL.

Examiner

Sunit Pandya

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-45 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-45 & 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/6/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30-45 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marnell (US Patent No. 5,393,057) in view of Giobbi (of record).

Claims 30, 38, and 48: Marnell discloses a gaming machine (col. 9:42-48), which includes multiple displays/screens displaying video content for a game of chance (col. 4: 17-29 and figure 1 which contains three different display on the gaming machine, wherein #48 being a display, #23 being another and #22 being the third display, which are located on top, middle and belly part of the game machine), as well as a display for displaying the jackpot or potential winning payout (figure 3, element

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49b, which is a display connected to the processor to display the proportion of the amount to be paid out). Marnell also discloses video content comprising artwork representative of a theme of game played (col. 4: 10-29, wherein the game of poker is played and the artwork related to poker such as cards, are displayed on the display).

However, Marnell is silent on the automatic reconfiguration happening in response to a trigger and also regarding third display devices. Giobbi teaches a gaming system in which video content is capable of being reconfigured in response to various triggers such as time, play frequency (0050), wagered amount (0041& 0050) etc. Giobbi also teaches of a primary screen/display displaying a game being played by a player and an additional screen/display displaying a secondary game play features (0043-0044) or any additional gaming information related to the play of the game (i.e. pay tables, winning payouts etc.) It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature of automatically reconfiguring the video content in response to a trigger as cited above as taught by Giobbi into the Marnell type system in order to provide automatic operation of reconfiguring display of subsequent gaming sessions, to allow to change the game/theme of the current game to a brand new game without having to replace the machine, thus reducing cost for the gambling facility, as well as allow player's to play a variety of games on a remote terminal without having to search the casino floor for his or her preferred game (0052).

Claims 31-34 and 39-42: Marnell discloses a gaming machine (col. 9:42-48), which includes multiple displays/screens displaying video content for a game of chance

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(col. 4: 17-29), as well as a display for displaying the jackpot or potential winning payout (figure 3, element 49b, which is a display connected to the processor to display the proportion of the amount to be paid out). Marnell also discloses video content comprising artwork representative of a theme of game played (col. 4: 10-29, wherein the game of poker is played and the artwork related to poker such as cards, are displayed on the display, figure 1).

However, Marnell is silent on the automatic reconfiguration happening in response to a trigger. Giobbi teaches a gaming system in which video content is capable of being reconfigured in response to various triggers such as time, play frequency (0050), wagered amount (0041& 0050) etc. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature of automatically reconfiguring the video content in response to a trigger as cited above as taught by Giobbi into the Marnell type system in order to provide automatic operation of subsequent gaming sessions, which would attract more players and enable use of the system without having to rely on some type of network communication interface, as well as to allow to change the game/theme of the current game to a brand new game without having to replace the machine, thus reducing cost for the gambling facility, as well as allow player's to play a variety of games on a remote terminal without having to search the casino floor for his or her preferred game (0052).

Claims 35-37 and 43-45: Giobbi discloses allowing casino operators and/or the players to reconfigure screen that display video content of game of chance (0050-0052). Giobbi further discloses a processor running the game and further discloses using local

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stored video content to provide reconfiguration to screens that display video content (0057). Giobbi also discloses a networked/centralized gaming system wherein the gaming system contains plurality of screens that display plurality of different games of chance (0009), with reconfiguring the machine in response to a reconfiguration command received from a remote location (title & 0001 & 0040).

Response to Arguments

Applicant's arguments filed 8/6/2007 have been fully considered but they are not persuasive.

The applicant argues that neither Marnell nor Giobbi discloses multiple display devices. The examiner respectfully disagrees with the applicant. Giobbi teaches of multiple display terminals, wherein the display terminals display the games of chance on one of the screen and on the other screen provide entertainment means or player attraction means (0019, 0020, 0043-0045, figure 1, element 12a-12n, wherein for this instant application the value for $n = 3$, which would enable Giobbi to disclose 3 display devices as taught in the rejection above). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The independent claims have been rejected above, using Marnell in view of Giobbi, wherein the combination clearly discloses the invention as claimed in the submitted claims.

The applicant also argues that neither Marnell nor Giobbi teach each and every element of the claimed invention. The examiner respectfully disagrees with the applicant. The combination of Marnell and Giobbi teach all of the claimed limitation, including functions that enable a gaming machine to be completely transformed (see rejection above paragraph #3), both in function and appearance, from one game theme to another game theme, without having to manually change the game screen including the artwork and the game program within the gaming machine. The detailed rejection above further discloses in greater details about how Marnell and Giobbi in combination with each other, clearly teach all of the claimed limitations.

Consequently, for the reasons provided above the rejection is maintained.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is 571-272-2823. The examiner can normally be reached on 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP



Robert Pezzuto
Supervisory Patent Examiner
3714